

JOINT WORKFORCE INVESTMENT BOARD BYLAWS

Approved November 10, 2011
Revised November 8, 2012

Pursuant to 29 U.S.C. 2801 et seq. (Workforce Investment Act of 1998), the Joint Workforce Investment Board has been formed to serve as the workforce investment board for Indiana's workforce service area comprised of regions 5, 8, 9, and 11

ARTICLE I NAME AND ADMINISTRATIVE SUPPORT

Section 1. The name of this organization is the Joint Workforce Investment Board.

Section 2. Pursuant to Department of Workforce Development Policy Number 2010-12, administrative support will be provided by executive staff hired by the chief elected official and the board. All correspondence for the Joint Workforce Investment Board may be addressed in care of:

Joint Workforce Investment Board
Indiana Department of Workforce Development
10 N. Senate Avenue
Indianapolis, Indiana 46204-2277

Section 3. The chief elected official and the board are empowered with hiring an Executive Director.

(a) The duties of the Executive Director shall include:

- (1) Coordinating with the Joint Workforce Investment Board chairperson to establish the calendar of meetings and agendas for each meeting;
- (2) Developing informational and supporting materials needed for Joint Workforce Investment Board business;
- (3) Ensuring compliance with the United States Department of Labor and the State Workforce Innovation Council's reporting requirements as they pertain to workforce development concerns;
- (4) Ensuring compliance with the statutory and regulatory stipulations as defined in the Workforce Investment Act and Wagner-Peyser;
- (5) Ensuring compliance with policies established by the State Workforce Innovation Council or the Indiana Department of Workforce Development;
- (6) Convening the Joint Workforce Investment Board Executive Committee; and
- (7) Providing oversight to the Joint Workforce Investment Board's Youth Council.

ARTICLE II

PURPOSE AND MISSION

The Joint Workforce Investment Board's purpose is to develop and implement an efficient, effective and integrated workforce development system throughout the workforce service area. The comprehensive system will provide employment, education and training programs, and services to aggressively empower Indiana workers to become a highly skilled, competitive workforce. A skilled workforce will be critical in meeting future business needs of the local workforce service areas, and will encourage growth of business and industry. The Joint Workforce Investment Board works closely with regional workforce boards to determine workforce development needs and to develop ways to meet those needs while maximizing federal funds and avoiding duplication of effort.

ARTICLE III

POWERS, FUNCTIONS AND OVERSIGHT RESPONSIBILITIES

Consistent with the functions required in Section 117(d) of the Workforce Investment Act of 1998, the Joint Workforce Investment Board was established to perform the following:

- (1) Developing and submitting, in partnership with the chief elected official, a local workforce investment plan. Consistent with the requirements in Section 118 of the Workforce Investment Act, the Joint Workforce Investment Board will develop a local plan in collaboration with the chief elected official of the workforce service area and the regional workforce boards within the workforce service area. As is required by Workforce Investment Act regulations, this local plan will be consistent with the State of Indiana's Strategic Workforce Investment Plan.
- (2) Selecting a OneStop Operator, with the agreement of the chief elected official. Consistent with Section 121(d) of the Workforce Investment Act, the Joint Workforce Investment Board will collaborate with regional workforce boards to select OneStop Operators (regional operators) within each of the four regions;
- (3) Selecting eligible providers of Workforce Investment Act youth services, based upon the recommendations of the Joint Workforce Investment Board's Youth Council. Consistent with Section 123 of the Workforce Investment Act, the Joint Workforce Investment Board shall collaborate with regional workforce boards to identify and competitively procure eligible providers of youth activities in the workforce service area;
- (4) Identifying eligible Workforce Investment Act training providers. Consistent with Section 122 of Workforce Investment Act, the Joint Workforce Investment Board, in collaboration with regional workforce boards, and following the process established by the State Workforce Innovation Council, shall identify eligible providers of training services throughout the workforce service area;
- (5) Identifying and/or contracting with eligible providers for WIA Adult and Dislocated Worker intensive services. Consistent with Section 122 of the Workforce Investment Act, the Joint Workforce Investment Board, in collaboration with regional workforce boards, and following the process established by the State Workforce Innovation Council, shall identify eligible providers of training services throughout the workforce service area;

(6) Developing a budget for the purposes of carrying out the duties of the Joint Workforce Investment Board subject to the approval of the chief elected official. The Joint Workforce Investment Board shall collaborate with regional workforce boards to develop a budget for the purpose of carrying out the federally mandated duties of the board under Section 117 of the Workforce Investment Act.

(a) As is required by IC 22-4.5-8-1, the Joint Workforce Investment Board shall distribute its federal workforce development and employment and training services funds to regional workforce boards.

(7) Conducting oversight of local Workforce Investment Act programs, in partnership with the chief elected official. The Joint Workforce Investment Board shall provide oversight of all workforce investment activities carried out in the workforce service area. The Joint Workforce Investment Board will collaborate with regional workforce boards to ensure that all Workforce Investment Act activities are regularly monitored for both compliance and performance outcomes, and where needed, the Joint Workforce Investment Board will provide technical assistance to regional workforce boards.

(8) Coordinating WorkOne activities with local economic development strategies and promoting employer linkages with such activities;

(9) Negotiating local performance measures with the Governor;

(10) Assisting the Governor with the development and management of a statewide employment statistics system;

(11) Promoting the participation of private sector employers in the statewide workforce investment system;

(12) Ensuring compliance with applicable laws, regulations, and policy. The Joint Workforce Investment Board will ensure that the regions which comprise the workforce service area are implementing and operating workforce investment activities in compliance with applicable state and federal law, regulations, and policy.

ARTICLE IV MEMBERSHIP

The membership of the Joint Workforce Investment Board will conform to the requirements for local boards, established in Workforce Investment Act Section 117(b), and shall represent the geographic diversity of the workforce service area.

ARTICLE V APPOINTMENTS AND TERMS

Section 1. Members of the Joint Workforce Investment Board are appointed by, and serve at the pleasure of, the workforce service area's Chief Elected Official, the Governor of Indiana. Appointments to the Joint Workforce Investment Board are for two (2) year terms. The Chief Elected Official shall promptly make an appointment to fill any vacancy but only for the duration of the unexpired term.

Section 2. The Chief Elected Official shall ensure that individuals appointed to the Joint Workforce Investment Board have sufficient expertise to effectively carry out its duties. This expertise includes: knowledge of the long-term needs of individuals preparing to enter the workforce; the needs of regional labor markets; and the methods for evaluating the effectiveness of training programs in serving varying populations.

ARTICLE VI OFFICERS AND ELECTION OF OFFICERS

Section 1. The Joint Workforce Investment Board shall select a chairperson from among the business representatives of the board. The chair shall serve as a member of the Executive Committee.

Section 2. Term of Office. The Chairperson shall be selected annually.

Section 3. The Joint Workforce Investment Board shall select an individual from among the business representatives of the board to serve as vice chairperson who shall act as chairperson in the absence of the chair, and to serve as a member of the Executive Committee.

Section 4. Term of Office. The Vice Chairperson shall serve for a one-year term.

Section 5. Administrative Duties. The Chair has the authority to authenticate by signature when necessary, all the acts, orders, and proceedings of the board declaring its will and in all things obeying its commands. The Chair has the authority to execute financial funding documents for the distribution or re-distribution of funds necessary for the continuing functioning of the Regional Workforce Boards. The Board shall receive notice of actions taken at the next meeting of the Board. In the absence or incapacitation of the Chair, the Vice-Chair may perform these functions.

ARTICLE VII MEETINGS, QUORUM, AND VOTING

The Joint Workforce Investment Board shall hold no less than four meetings annually. The Joint Workforce Investment Board shall meet at the call of the chairperson to conduct its business. Meetings shall be held at such places as determined by the chairperson and shall include teleconference convenience for members unable to attend in person. All meetings will be open to the public.

A majority of the appointed board members constitutes a quorum. Each member shall be entitled to one (1) vote for each matter submitted to the membership for a vote at each meeting of the membership. Members may vote electronically in accordance with the policy for electronic participation in meetings approved on November 8, 2012.

ARTICLE VIII ATTENDANCE

Section 1. A Joint Workforce Investment Board member who misses more than one meeting may have their attendance reviewed by the Executive Committee for removal from the council.

Section 2. These attendance rules do not apply to meetings of committees. However, Joint Workforce Investment Board members are expected to participate to the best of their abilities on committees and at the meetings of committees.

ARTICLE IX COMMITTEES

Section 1. The Joint Workforce Investment Board shall establish an Executive Committee and standing committees to conduct its business.

Section 2. The council chairperson will appoint the chairs of the standing committees.

Section 3. The Executive Committee is made up of the Joint Workforce Investment Board chairperson, vice chairperson and the chairs of the standing committees. All Joint Workforce Investment Board members may attend any executive committee meeting.

The Executive Committee shall:

- (1) have duties and powers assigned by the Joint Workforce Investment Board
- (2) have the authority to take action on behalf of the Joint Workforce Investment Board (when lacking necessary quorum; in case of an emergency, or on other matters as specifically granted by a majority of the board.)
- (3) report to the Joint Workforce Investment Board, in a timely fashion, on actions taken on behalf of the Joint Workforce Investment Board.
- (4) supervise the affairs of the Joint Workforce Investment Board between regular meetings.
- (5) recommend the establishment of additional Committees
- (6) bring issues of concern to the State Workforce Innovation Council on behalf of the Joint Workforce Investment Board.

Section 4. The Youth Council

The Joint Workforce Investment Board Youth Council shall be established in compliance with the requirements found in Section 117(h) of the Workforce Investment Act. Its membership shall be appointed by the Joint Workforce Investment Board Chairperson, and shall adhere to Youth Council membership requirements found in Section 117(h)(2) of WIA.

The Youth Council shall among other duties as assigned:

- (1) Develop a common request for proposal for the procurement of youth service providers, and oversee on behalf of the Joint Workforce Investment Board the vetting and contracting for youth service providers;
- (2) Establish performance metrics for youth services throughout the workforce service area, ensuring alignment with the performance metrics established by the Performance and Compliance Committee and the State Workforce Innovation Council;
- (3) Review oversight reports with respect to youth activities provided by the Department of Workforce Development or contracted compliance staff; and
- (4) Conduct all other duties as required in Section 117(h)(4) of the Workforce Investment Act.

Section 5. Requirements for Conducting Joint Workforce Investment Board Committee Business

(1) Committees shall ensure the following requirements are met when conducting official committee business:

(a) Requirements for public notice of meetings:

- (1) Committees must provide notice of meeting at least 48 hours before the meeting;
- (2) Committees must post notice at the building where the meeting is to be held and on the website page assigned to the Joint Workforce Investment Board;
- (3) If an agenda is prepared, committees must make copies available to attendees.

(b) Requirements for open door rules:

- (1) Meetings shall be open to the public to observe and record;
- (2) Meetings shall be accessible to individuals with disabilities;
- (3) Members of the public do not have the right to speak unless the committee expressly allows time for public comment through an agenda item.

(c) Requirements for actions at the meeting:

- (1) Committee procedures must follow Roberts Rules of Order;
- (2) Committee members may attend in person or via conference call or other electronic media, such as video/internet conferencing;
- (3) A quorum is defined as over 50% of the members of the board. A quorum may be established in person or according to the policy for electronic participation in meetings.
 - (A) Members voting via electronic media shall deliver a written statement by email or U S mail verifying their vote within five business days of meeting.
- (4) Committee members may not designate a proxy to participate in a meeting.
- (5) No secret ballot votes are allowed.

(d) Requirements for keeping meeting minutes:

- (1) Meeting minutes shall be maintained with the following information:
 - (A) Date, time, and place of meeting;
 - (B) Committee members present or absent noting whether in person or via electronic means;
 - (C) General substance of all matters proposed, discussed, or acted upon;
 - (D) Record of all votes taken, including the member making or seconding a motion and each member's vote.
- (2) Meeting minutes shall be posted on the page assigned to the Joint Workforce Investment Board within a reasonable timeframe following the meeting.
- (3) Meeting minutes must be available for public inspection and copying.

Section 6. Use of Electronic Media in Committee Business

Committee members may use email or other electronic media to communicate regarding Joint Workforce Investment Board committee business between scheduled meetings. Discussion of business via email or other electronic medium does not constitute official business, but is subject to public records requests. All votes or the discussion of votes can only be conducted during an open meeting.

ARTICLE X AMENDMENTS TO THE BYLAWS

These bylaws may be approved, amended, or repealed through adoption of Joint Workforce Investment Board action by a 2/3 majority vote of the members present at any regular meeting providing the proposed changes do not conflict with existing federal or state laws, regulations or guidelines.

ARTICLE XI PARLIAMENTARY PROCEDURE

Parliamentary procedures as laid out in *Roberts Rules of Order, Newly Revised*, shall prevail in all regularly scheduled and special meetings of the Board and including standing or ad hoc committees.

ARTICLE XII INDEMNIFICATION

The Joint Workforce Investment Board and its committees are governmental entities and instrumentalities of the state; and as such are entitled to the protections and immunity afforded other governmental entities or public employees when acting within the scope of their employment pursuant to IC 34-13-3-3. In addition, pursuant to IC 34-13-3-5, civil actions relating to acts taken by the Joint Workforce Investment Board may only be brought against the Joint Workforce Investment Board and not against an individual member of the Joint Workforce Investment Board so long as such an individual member was acting within the scope of the individual member's appointment as a member of the Joint Workforce Investment Board. Any lawsuit alleging that a member acted within the scope of the appointee's appointment bars an action by the claimant against the member personally.

ARTICLE XIII CONFLICT OF INTEREST

Joint Workforce Investment Board members shall disclose any potential or real conflict at the earliest possible time and remove themselves from any key decisions or debates where the outcome may or will have an impact on related activities. Members who also hold a voting position on a regional workforce board shall abstain on votes directly affecting the regional board.

Joint Workforce Investment Board members shall scrupulously avoid undisclosed conflicts of interest between the interests of the State of Indiana and the Joint Workforce Investment Board, and personal, professional, and business interests. This includes avoiding potential and actual conflicts of interest, as well as perceptions of conflicts of interest. Upon or before appointment, each Joint Workforce Investment Board member will make a full, written disclosure of interests, relationships, and holdings that could potentially result in a conflict of interest. This written disclosure will be kept on file and updated as appropriate.

In the course of meetings or activities, a board member shall disclose any interests in a transaction or decision where the member, the member's family, including domestic

partners, employer, close associates, including business or other nonprofit affiliations, will receive a benefit or gain. A board member that identifies a potential conflict of interest must abstain from participating in the discussion of, or voting on any matter that the member has a potential conflict of interest.

Each Joint Workforce Investment Board member will be asked to sign a conflict of interest policy document stating the member's understanding that this policy is not meant to supplement good judgment, and the member will respect its spirit as well as its wording.